IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

GARNISHEE NOTICE NO.1191 & 1192 OF 1999
IN
SUIT NO.1218 OF 1975

.Govind N.Mehta. ..Plaintiff.

V/s.

P.M.Art Productions. ..Defendant.

And

Mrs.K.R.Mohan & Ors. ..Respondents.

And

Kamal G. Mehta & Anr. ..Applicants.

Ms.Namita Hemrajani for applicants.

Mr.R.C.Makhija for respondent No.3.

CORAM: A.M.KHANWILKAR,J
DATE : AUGUST 17, 2005.

P.C. :

1. Heard counsel for the parties.

2. The only submission made on behalf of the respondent No.3 is that he is entitled for joint inventory of current account, in respect of which, relief is sought by the applicant herein. The question of having joint inventory does not arise. Besides, the details of the relevant current account number is already mentioned in prayer clause (b). Counsel for respondent No.3 would then contend that

in that case, before any amount is withdrawn from the said account, he is entitled to know the particulars of such amount withdrawn. It is not in dispute that account number mentioned in prayer clause (b) of notice belongs to Judgment Debtor and not to the respondent No.3. The request to furnish details can be processed by the concerned bank, if permissible. As assurance is given that the interest in immovable property of the Respondent No.3 will not be affected, no further deliberation is necessary. Accordingly, this notice is made absolute.

3. Next objection taken on behalf of the respondent No.3 is that the only three heirs of the deceased Judgment debtor have been brought on record. That will not be any impediment, while hearing present proceeding. The names of the heirs as furnished, have been mentioned in the present notices. In that case, heirs, mentioned in the notices will represent the estate of the deceased Judgment debtor. Accordingly, there is no substance in this objection.

4. Accordingly, both the notices are made absolute and disposed of accordingly.